

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORDER
12-MD-2413 (RRM)

In re: FRITO LAY NORTH AMERICA, INC.
“ALL NATURAL” LITIGATION

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On April 4, 2013, the parties in this multi-district litigation appeared before the Honorable Roslynn R. Mauskopf to address defendants’ proposed motion to dismiss the Amended Complaint. See Letter Requesting Premotion Conference (Mar. 5, 2013), Electronic Case Filing Document Entry (“DE”) #7; see also Amended Complaint, DE # 18 in 12-CV-408. At this conference, Judge Mauskopf denied defendants’ motion to stay all discovery pending the resolution of their motion to dismiss. Judge Mauskopf further directed that, to the extent that the parties disagreed as to the scope and timing of certain discovery, the parties were to confer with each other and thereafter contact the undersigned magistrate judge for resolution of any discovery disputes.

Accordingly, the Court directs the parties to meet and confer as to any outstanding discovery disputes by **April 22, 2013**. If the parties are not able to resolve their disputes, they should file, by **April 23, 2013**, a joint status letter, via ECF, outlining their disagreements. The parties should include any relevant discovery requests or responses as attachments to this joint letter. An in-person initial scheduling conference will be held on **April 30, 2013 at 4:00 p.m.** in Courtroom #13C-S.

In addition to addressing any current discovery disputes among the parties, the Court will consider, at the April 30th conference, the general plan for discovery, pursuant to Fed. R. Civ. P. 26(f) and 16(b). To this end, by **April 22, 2013**, counsel should discuss the matters

specified in Fed. R. Civ. P. 26(f) and 16(b). Counsel should also discuss: (1) the scope of any anticipated electronic discovery, the preservation of electronically stored data, and the cost of locating, maintaining and producing that data, and (2) whether any party will rely upon expert testimony and, if so, whether counsel are able to reach an agreement on how material exchanged between counsel and any expert witness will be treated, and in particular whether draft expert reports and written and electronic communications between expert witnesses and counsel will be retained. Counsel shall then jointly complete and file the attached questionnaire by **April 23, 2013**. By that same date, the parties shall also exchange the names and, if known, the addresses and telephone numbers of persons who are likely to have knowledge of discoverable information relevant to disputed facts, and comply with the automatic disclosure requirements in Rule 26(a)(1) of the Federal Rules of Civil Procedure.

SO ORDERED.

**Dated: Brooklyn, New York
April 11, 2013**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

Case Name: In re FRITO LAY NORTH AMERICA, INC. "ALL NATURAL" LITIGATION
Docket #: 12-MD-2413 (RRM)

INITIAL CONFERENCE QUESTIONNAIRE

1. Date for completion of automatic disclosures required by Fed. R. Civ. P. 26(a)(1), if not yet made: _____
2. If additional interrogatories beyond the 25 permitted under Fed. R. Civ. P. 33(a) are needed, the maximum *additional* ones by: plaintiff(s) _____ and defendant(s) _____
3. Maximum number of requests for admission by: plaintiff(s) _____ and defendant(s) _____
4. Number of depositions by plaintiff(s) of: parties _____ non-parties _____
5. Number of depositions by defendant(s) of: parties _____ non-parties _____
6. Time limit per deposition (if more than 7 hours permitted by Fed. R. Civ. P. 30 (d)(1) is required): _____
7. Date for completion of factual discovery: _____
8. Number of expert witnesses of plaintiff(s): _____ medical _____ non-medical
Date for expert disclosure, including report(s): _____
9. Number of expert witnesses of defendant(s): _____ medical _____ non-medical
Date for expert disclosure, including report(s): _____
10. Dates for completion of expert depositions (if desired): _____
11. Time for amendment of the pleadings by plaintiff(s) _____ and by defendant(s) _____
12. Number of proposed additional parties to be joined by plaintiff(s) _____ and defendant(s) _____ and time for completion of joinder (including service): _____
13. Types of contemplated dispositive motions: _____
14. Dates for filing/serving contemplated dispositive motions: _____
15. Have counsel reached any agreements regarding electronic discovery? If so, please described at the initial conference.
16. Have counsel reached any agreements regarding disclosure of experts' work papers (including drafts) and communications with experts? If so, please describe at the initial conference.
17. Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)? [Does not affect right to jury trial] Yes _____ No _____